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Filing date: **12/21/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91179940
Party	Defendant ProxyMed, Inc.
Correspondence Address	MICHAEL J. BROWN CURTIS, MALLETT-PREVOST, COLT & MOSLE LLP 101 PARK AVENUE, 34TH FLOOR NEW YORK, NY 10178-0061 UNITED STATES trademark@cm-p.com
Submission	Other Motions/Papers
Filer's Name	Michael J. Brown
Filer's e-mail	trademark@cm-p.com
Signature	/MichaelJBrown/
Date	12/21/2007
Attachments	Reply Brief NPPN etc.pdf (4 pages)(83481 bytes) TJK Decl NPPN etc.pdf (10 pages)(170967 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MEDAVANTE, INC.,)	
)	
Opposer)	
)	
v.)	
)	Opposition No. 91179940
PROXYMED, INC.,)	
)	Serial No. 78/958,913
Applicant)	
)	
)	

**APPLICANT’S REPLY BRIEF IN SUPPORT OF ITS
MOTION TO SUSPEND THE OPPOSITION PROCEEDING PENDING
FEDERAL COURT LITIGATION**

Applicant, ProxyMed, Inc., by its counsel, replies to the opposition of Opposer, MedAvante, Inc. to Applicant’s motion to suspend the present opposition proceeding pending the outcome of an existing Federal Court litigation between the parties.

Opposer’s brief suggests that Applicant did not provide the Trademark Trial and Appeal Board (the “Board”) with all of the relevant information regarding the Federal Court litigation, yet itself fails to advise the Board of certain facts regarding that case, notably the following:

- 1) On November 28, 2007, the parties to that litigation, Applicant and Opposer, appeared before the judge at a hearing regarding the incomplete settlement;
- 2) At that hearing and for at least eight months prior, the parties were in dispute about the terms of the settlement;
- 3) The parties are awaiting an opinion from the judge on the question of whether there is in fact a settlement or if the litigation will be re-opened;

4) One of the disputed terms of the settlement directly reflects the registrability of the application which is the subject of the present opposition proceeding (the “Subject Mark”); and

5) The parties attempted to prepare a settlement agreement beginning in the spring of this year. In the exchange of draft settlement agreements, Applicant sought to have a specific provision allowing for the registration of the Subject Mark. Opposer responded that it would not agree to such a provision, as well as other provisions sought by Applicant. Applicant also did not agree to certain provisions proposed by Opposer. As of the date hereof, the settlement was never finalized to a written agreement.

Attached is a declaration of Theodore Kobus, attesting to the facts stated herein.

Opposer has alleged that it would be prejudiced by any delay in pursuing the present opposition proceeding. To the contrary, the parties and the Board would be prejudiced by expending resources in the present opposition proceeding while the Litigation remains unresolved.

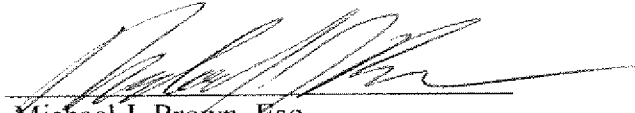
Opposer’s position that the Litigation is settled is clearly contradicted by the docket report attached as Exhibit A of Mr. Kobus’ Declaration, showing that the Litigation is quite active.

For the reasons stated above, the Trademark Trial and Appeal Board is requested to grant applicant’s motion and suspend the present opposition proceeding.

Respectfully submitted,

Dated: December 26, 2007

By:

A handwritten signature in black ink, appearing to read "Michael J. Brown", is written over a horizontal line.

Michael J. Brown, Esq.

Curtis, Mallet-Prevost, Colt & Mosle LLP

Attorneys for Applicant

101 Park Avenue

New York, New York 10178-0061

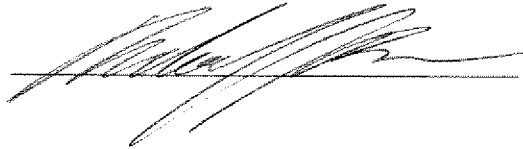
(212) 696-6000

CERTIFICATE OF SERVICE

This is to certify that the foregoing Reply Brief was served upon the counsel for Opposer MedAvante, Inc. cited below by United States Postal Service by first class mail, on the date set forth below, addressed as follows:

Elliott J. Stein, Esq.
Stevens & Lee
600 College Road East
Suite 4400
Princeton, NJ 08540

Dated: December 26, 2007

A handwritten signature in black ink, appearing to read "Elliott J. Stein", is written over a horizontal line.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MEDAVANTE, INC.,)	
)	
Opposer)	
)	
v.)	
)	Opposition No. 91179940
PROXYMED, Inc.,)	
)	Serial No. 78/958,913
Applicant)	
)	
)	

**DECLARATION OF THEODORE J. KOBUS III
IN SUPPORT OF PROXYMED, INC.'S REPLY BRIEF ON ITS
MOTION TO SUSPEND THE OPPOSITION PROCEEDING
PENDING FEDERAL COURT LITIGATION**

I, Theodore J. Kobus III, make this declaration in support of ProxyMed, Inc.'s motion to suspend the present opposition proceeding:

1. I am lead counsel for ProxyMed, Inc. ("Applicant") in the case captioned MedAvante, Inc. v. ProxyMed, Inc. et al. Civil Action No. 06-CV-3248 before Honorable Judge Mary L. Cooper of the U.S. District Court for the District of New Jersey (the "Litigation").
2. Attached as Exhibit A to this Declaration is a copy of a docket report for the Litigation.
3. At the settlement conference held on February 13, 2007 before Magistrate Judge Hughes, the parties agreed to settle the Litigation on terms which would include ProxyMed's ability to use the mark "MEDAVANT".
4. Following the settlement conference, the court marked the Litigation as closed. See unnumbered entry dated February 16, 2007 on Exhibit A.
5. On April 17, 2007, after the parties failed to agree upon the terms of a settlement agreement, MedAvante, Inc. ("Opposer") filed a motion to reopen the Litigation or enforce settlement. See item no. 65 on Exhibit A.

6. One of the settlement terms proposed by Applicant and rejected by MedAvante was the ability for Applicant to register the mark NPPN NATIONAL PREFERRED PROVIDER NETWORK A MEDAVANT NETWORK & Design, which mark is the subject of the present opposition proceeding.

7. The parties to the Litigation were present before Magistrate Judge John J. Hughes regarding the terms of settlement of the Litigation, on June 4, 2007 and June 12, 2007. See unnumbered entries on these dates on Exhibit A.

8. On August 16, 2007 and November 26, 2007, I was present at hearings before Judge Cooper regarding the status and terms of settlement of the Litigation. See items no. 94 and 97 on Exhibit A.

9. At the hearing on November 26, 2007, Judge Cooper expressed her belief that her decision on the settlement of the Litigation or the reopening of the Litigation would be appealed to the Court of Appeals for the Third Circuit.

10. Subsequent to the hearing on November 26, 2007, counsel for MedAvante submitted a letter to the Court, seeking for leave to submit supplemental arguments on the issue of enforcing settlement. A copy of that letter was served upon Applicant and reviewed by me.

11. As of the date of this Declaration, Judge Cooper has not made any determination whether there is a settlement of the Litigation or if the case will be reopened.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Dated: Dec. 21, 2007

By: /s/Theodore J. Kobus III
Theodore J. Kobus III

EXHIBIT A

US District Court Civil Docket

U.S. District - New Jersey
(Trenton)

3:06cv3248

Medavante, Inc v. Proxymed, Inc et al

This case was retrieved from the court on Thursday, December 20, 2007

<p>Date Filed: 07/18/2006</p> <p>Assigned To: Judge Mary L Cooper</p> <p>Referred To: Magistrate Judge John J Hughes</p> <p>Nature of suit: Trademark (840)</p> <p>Cause: Trademark Infringement</p> <p>Lead Docket: None</p> <p>Other Docket: None</p> <p>Jurisdiction: Federal Question</p>	<p>Class Code: 12BH, CLOSED, RULE16, SCHEDO</p> <p>Closed: yes</p> <p>Statute: 15:1114</p> <p>Jury Demand: Both</p> <p>Demand Amount: \$0</p> <p>NOS Description: Trademark</p>
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Litigants

Medavante, Inc A Delaware Corporation
Plaintiff

Proxymed, Inc A Florida Corporation
Defendant

Schwartz Communications, Inc A Massachusettes Corporation
Defendant

Truebrand, Llc A California Limited Liability Company
Defendant

Does I-X Inclusive
Defendant

Attorneys

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Suite 300
Cherry Hill , NJ 08002
USA
(856) 414-6000
Email: DJSHANNON@MDWCG.COM

Date	#	Proceeding Text
07/18/2006	1	COMPLAINT against PROXYMED, INC., SCHWARTZ COMMUNICATIONS, INC., TRUEBRAND, LLC (Filing fee \$ 350 receipt number 351162.) jury demand, filed by MEDAVANTE, INC..(ce3) (Entered: 07/19/2006)
07/18/2006	2	BRIEF IN SUPPORT OF REQUEST FOR PRELIMINARY INJUNCTION filed by MEDAVANTE, INC.. (Attachments: # 1 Text of Proposed Order)(ce3) (Entered: 07/19/2006)
07/18/2006	3	Certification of AMY ELLIS in Support of Application for Order to Show Cause seeking Preliminary Injunction on behalf of MEDAVANTE, INC.. (ce3) (Entered: 07/19/2006)
07/18/2006	4	Certification of JOSEPH SCHMIDT in Support of Application for Order to Show Cause seeking Preliminary Injunction on behalf of MEDAVANTE, INC.. (ce3) (Entered: 07/19/2006)
07/18/2006	5	Certification of BRADLEY L. MITCHELL in Support of Application for Order to Show Cause seeking Preliminary Injunction on behalf of MEDAVANTE, INC.. (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Exhibit 4) (ce3) (Entered: 07/19/2006)
07/18/2006	6	Summons Issued as to PROXYMED, INC., SCHWARTZ COMMUNICATIONS, INC., TRUEBRAND, LLC. Mailed to Counsel (Days Due - 20). (ce3) (Entered: 07/19/2006)
07/28/2006	7	Minute Entry for proceedings held before Judge Mary L. Cooper: Telephone Conference held on 7/28/2006. Telephone conference reset for 8/1/06 at 11am. (ESR: PHILLIPPI.) (eh,) (Entered: 07/31/2006)
08/01/2006	8	ORDER TO SHOW CAUSE why an Order should not be entered preliminarily enjoining dft. PROXYMED until the time of trial from directly or indirectly violating the Lanham Act by using the mark "MedAvant". Show Cause Hearing set for 9/7/2006 10:00 AM before Judge Mary L. Cooper. Show Cause Response due by 8/18/2006. Signed by Judge Mary L. Cooper on 8/1/2006. (ss,) (Entered: 08/01/2006)
08/01/2006	9	Minute Entry for proceedings held before Judge Mary L. Cooper : Re: OTSC Scheduling via Telephone Conference held on 8/1/2006. (Court Reporter I. Jiminez.) (AC) (Entered: 08/01/2006)
08/14/2006	10	NOTICE of Appearance by THEODORE JOSEPH KOBUS, III on behalf of PROXYMED, INC. (KOBUS, THEODORE) (Entered: 08/14/2006)
08/28/2006	11	Stipulation & ORDER granting extension of time for dft. Proxymed, Inc. to answer 1 Complaint to 9/9/06. Signed by Judge Mary L. Cooper on 8/28/06. (ck) (Entered: 08/28/2006)
08/28/2006	12	CONSENT ORDER AMENDING BRIEFING SCHEDULE re 8 Order to Show Cause, . Signed by Judge Mary L. Cooper on 8/28/06. (ck) (Entered: 08/28/2006)
09/01/2006	13	BRIEF in Response to Plaintiff's Motion for Preliminary Injunction filed by PROXYMED, INC.. (Attachments: # 1) (KOBUS, THEODORE) (Entered: 09/01/2006)
09/01/2006	14	Certification of Theodore J. Kobus III, Esquire on behalf of PROXYMED, INC. Re 13 Brief. (KOBUS, THEODORE) (Entered: 09/01/2006)
09/01/2006	15	Certification on behalf of PROXYMED, INC. Re 13 Brief. (KOBUS, THEODORE) (Entered: 09/01/2006)
09/01/2006	16	Certification of Michael J. Brown on behalf of PROXYMED, INC. Re 13 Brief. (KOBUS, THEODORE) (Entered: 09/01/2006)
09/01/2006	17	Certification of John Lettko on behalf of PROXYMED, INC. Re 13 Brief. (KOBUS, THEODORE) (Entered: 09/01/2006)
09/01/2006	18	Certification of Emily Pietrzak on behalf of PROXYMED, INC. Re 13 Brief. (KOBUS, THEODORE) (Entered: 09/01/2006)
09/01/2006	19	Certification of Eric Arnson on behalf of PROXYMED, INC. Re 13 Brief. (KOBUS, THEODORE) (Entered: 09/01/2006)
09/05/2006	--	CLERKS OFFICE QUALITY CONTROL MESSAGE: Regarding Document 13 by Theodore Kobus, Esq. filed 9/1/06. Please be advised for future filings attachments should be properly identified. Examples: #1 Certification of John Doe, #2Brief, #3 Exhibits A-C, etc... (ck,) (Entered: 09/05/2006)
09/08/2006	20	ANSWER to Complaint with Jury Demand by PROXYMED, INC..(KOBUS, THEODORE) (Entered: 09/08/2006)
09/20/2006	21	RESPONSE TO ORDER TO SHOW CAUSE by MEDAVANTE, INC.. (MITCHELL, BRADLEY) (Entered: 09/20/2006)
09/20/2006	22	DECLARATION re 21 Response to Order to Show Cause of Amy Ellis by MEDAVANTE, INC.. (MITCHELL, BRADLEY) (Entered: 09/20/2006)
09/20/2006	23	DECLARATION of Elliott Stein re 21 Response to Order to Show Cause by MEDAVANTE, INC.. (Attachments: # 1 Exhibit A# 2 Exhibit B-1# 3 Exhibit B-2# 4 Exhibit B-3# 5 Exhibit B-4# 6 Exhibit B-5# 7 Exhibit B-6# 8 Exhibit B-7# 9 Exhibit B-8# 10 Exhibit C-1# 11 Exhibit C-2# 12 Exhibit C-3# 13 Exhibit C-4)(MITCHELL, BRADLEY) (Entered: 09/21/2006)
09/25/2006	25	Minute Entry for proceedings held before Judge Mary L. Cooper: Show Cause Hearing held on 9/25/2006. Ordered motion taken under advisement. (ESR: ELLINGTON.) (eh,) (Entered: 10/02/2006)
09/27/2006	24	NOTICE of Hearing: Initial Conference set for 11/28/2006 10:30 AM in Trenton - Courtroom 6W before Magistrate Judge John J. Hughes. (Attachments: # 1 Supplement Instructions / Joint Discovery Plan)(dg,) (Entered: 09/27/2006)
10/12/2006	26	MEMORANDUM OPINION Signed by Judge Mary L. Cooper on 10/12/2006. (ss,) (Entered: 10/12/2006)
10/12/2006	27	ORDER granting 8 Order to show cause for perliminary injunctive relief and directing pltf. to submit an Order

for Preliminary Injunction w/in 5 days Signed by Judge Mary L. Cooper on 10/12/2006. (ss,) (Entered: 10/12/2006)

10/16/2006 28 Letter from Plaintiff MedAvante, Inc. to Court with submission of proposed Order for Preliminary Injunction re 27 Order. (Attachments: # 1 Text of Proposed Order)(MITCHELL, BRADLEY) (Entered: 10/16/2006)

10/17/2006 -- CLERKS OFFICE QUALITY CONTROL MESSAGE - The 28 LETTER and PROPOSED submitted by B. MITCHELL on 10/16/2006 must be executed by a Judicial Officer before filing. Please forward to the appropriate Judicial Officer in accordance with his/her preferred practice. This submission will remain on the docket unless otherwise ordered by the court. This message is for informational purposes only. (ss,) (Entered: 10/17/2006)

10/17/2006 29 MOTION for Hearing for Preliminary Injunction Bond by PROXYMED, INC.. (SHANNON, DAVID) (Entered: 10/17/2006)

10/18/2006 -- CLERKS OFFICE QUALITY CONTROL MESSAGE - The 29 PROPOSED ORDER filed by D. SHANNON on 10/17/2006 was submitted incorrectly as a MOTION. The PROPOSED ORDER must be executed by a Judicial Officer before filing. Please forward to the appropriate Judicial Officer in accordance with his/her preferred practice. This submission will remain on the docket unless otherwise ordered by the court. This message is for informational purposes only. (ss,) (Entered: 10/18/2006)

10/20/2006 30 TRANSCRIPT of Proceedings held on 9/25/2006 before Judge Mary L. Cooper. Court Reporter: Todd Phillippi. PLEASE NOTE: The complete transcript of these proceedings is maintained in paper format on file in the Clerks Office. To request copies of this transcript, contact the Official Court Reporter or Transcription Service who prepared the transcript. (tp) (Entered: 10/20/2006)

10/25/2006 31 Letter from from Plaintiff MedAvante, Inc. in response to Defendant's request for hearing. (MITCHELL, BRADLEY) (Entered: 10/25/2006)

11/13/2006 32 Letter from Plaintiff MedAvante, Inc. re: request for entry of proposed Order for Preliminary Injunction. (MITCHELL, BRADLEY) (Entered: 11/13/2006)

11/14/2006 33 RESPONSE. (Attachments: # 1)(KOBUS, THEODORE) (Entered: 11/14/2006)

11/16/2006 -- CLERK'S OFFICE QUALITY CONTROL MESSAGE: Regarding Document 33 by T. KOBUS, ESQ. filed 11/14/2006. Please e advised for future filings attachments should be properly identified. Examples: Attachment #1 Exhibit A, Attachment #2 Exhibit B, etc. (ss,) (Entered: 11/16/2006)

11/20/2006 34 Minute Entry for proceedings held before Judge Mary L. Cooper: Telephone Conference held on 11/20/2006 re: 29 motion.Parties to confer in chambers with Judge Cooper re: schedule on 11/28/06. (ESR: PHILLIPPI.) (eh,) (Entered: 11/20/2006)

11/28/2006 -- NOTICE of Hearing: Final Pretrial Conference set for 1/26/2006 02:00 PM in Trenton - Courtroom 6W before Magistrate Judge John J. Hughes. (dg,) (Entered: 11/28/2006)

11/28/2006 -- Minute Entry for proceedings held before Judge John J. Hughes : Scheduling Conference held on 11/28/2006. (dg,) (Entered: 11/29/2006)

11/28/2006 37 Minute Entry for proceedings held before Judge Mary L. Cooper: Status conference held on 11/28/2006. Jury Trial set for 2/27/2007 09:00 AM before Judge Mary L. Cooper. Trial management conference set for 2/16/07 at 1:00pm. In limine motions are returnable 2/16/07.Argument on the record re: form of order for bond.Telephone conference call set for 12/5/06 at 2:15pm.(ESR: PHILLIPPI.) (eh,) (Entered: 12/04/2006)

12/01/2006 35 First MOTION for Bond Letter Brief by PROXYMED, INC.. (Attachments: # 1 Declaration Eric Arnson# 2 Declaration Nilesh Shah# 3 Declaration Steve Godfrey# 4 Declaration Teresa Stubbs# 5 Declaration Lonnie Hardin# 6 Declaration Kevin Santos# 7 Declaration Doug O'Dowd# 8 Declaration Robert Mims)(KOBUS, THEODORE) (Entered: 12/01/2006)

12/04/2006 -- CLERKS OFFICE QUALITY CONTROL MESSAGE - The 35 LETTER BRIEF filed by T. KOBUS on 12/02/2006 was submitted incorrectly as a MOTION. PLEASE RESUBMIT THE DOCUMENT BY 12/7/2006 USING BRIEF. This submission will remain on the docket unless otherwise ordered by the court. This message is for informational purposes only. (ss,) (Entered: 12/04/2006)

12/04/2006 36 BRIEF Letter Brief for Preliminary Injunction Bond filed by PROXYMED, INC.. (Attachments: # 1 # 2 # 3 # 4 # 5 # 6 # 7 # 8)(KOBUS, THEODORE) (Entered: 12/04/2006)

12/04/2006 38 BRIEF Letter Brief with Revised Logo Rebranding Spreadsheet as Exhibit 1 for letter brief filed on 12/1/06 filed by PROXYMED, INC.. (KOBUS, THEODORE) (Entered: 12/04/2006)

12/05/2006 -- CLERKS OFFICE QUALITY CONTROL MESSAGE - Regarding Document 36 by T. KOBUS filed 12/04/2006. Please be advised for future filings attachments should be properly identified. Examples: Attachment #1 Exhibit A, Attachment #2 Exhibit B, etc. (ss,) (Entered: 12/05/2006)

12/05/2006 39 Minute Entry for proceedings held before Judge Mary L. Cooper: Status Conference held on 12/5/2006. Briefing schedule and oral argumnet set. (ESR: PHILLIPPI.) (eh,) (Entered: 12/06/2006)

12/08/2006 40 First MOTION to Stay Entry of Preliminary Injunction by PROXYMED, INC.. (SHANNON, DAVID) (Entered: 12/08/2006)

12/11/2006 -- CLERKS OFFICE QUALITY CONTROL MESSAGE - The 40 MOTION submitted by D. SHANNON on 12/08/2006 did not contain a proper signature. Only Registered Users are permitted to sign electronically filed documents with an s/. All other signatures must be scanned. ALSO, THERE IS NO SIGNATURE ON THE MOTION. PLEASE RESUBMIT THE DOCUMENT WITH A PROPER ELECTRONIC OR SCANNED SIGNATURE BY 12/14/2006. THE MOTION WAS NOT FILED IN PROPER ORDER. EXAMPLE, the Motion is filed first, all other documents are attached and identified. This submission will remain on the docket unless otherwise ordered by the court. This

message is for informational purposes only. (ss,) (Entered: 12/11/2006)

12/13/2006 41 First MOTION to Stay Entry of Preliminary Injunction Order by PROXYMED, INC.. (Attachments: # 1 Text of Proposed Order)(KOBUS, THEODORE) (Entered: 12/13/2006)

12/13/2006 42 BRIEF in Support re 41 First MOTION to Stay Entry of Preliminary Injunction Order Memorandum of Law in Support of Defendant's Motion to Stay Entry of Preliminary Injunction Order filed by PROXYMED, INC.. (KOBUS, THEODORE) (Entered: 12/13/2006)

12/14/2006 -- Set Deadlines as to 41 First MOTION to Stay Entry of Preliminary Injunction Order. Motion Hearing set for 1/16/2006 10:00 AM before Judge Mary L. Cooper. (PLEASE NOTE THAT PURSUANT TO FED. R. CIV. P. 78 AND LOCAL RULE 7.1 (B)(4), NO ORAL ARGUMENT WILL BE HELD IN THIS MATTER AND PARTIES SHOULD NOT APPEAR UNLESS SPECIFICALLY DIRECTED TO DO SO BY THE COURT) (ss,) (Entered: 12/14/2006)

12/19/2006 43 First MOTION for Protective Order Restricting use and Dissemination of any records containing trade secrets or Confidential information by PROXYMED, INC.. (Attachments: # 1 Brief Memorandum of Law# 2 Certificate of Service)(KOBUS, THEODORE) (Entered: 12/19/2006)

12/20/2006 -- Set/Reset Deadlines as to 43 First MOTION for Protective Order Restricting use and Dissemination of any records containing trade secrets or Confidential information. Motion Hearing set for 1/16/2007 before Magistrate Judge John J. Hughes. (PLEASE NOTE THAT PURSUANT TO FED. R. CIV. P. 78 AND LOCAL RULE 7.1 (B)(4), NO ORAL ARGUMENT WILL BE HELD IN THIS MATTER AND PARTIES SHOULD NOT APPEAR UNLESS SPECIFICALLY DIRECTED TO DO SO BY THE COURT) (ss,) (Entered: 12/20/2006)

12/22/2006 44 RESPONSE re 36 Brief. (MITCHELL, BRADLEY) (Entered: 12/22/2006)

12/22/2006 45 DECLARATION of Bradley L. Mitchell in response to request of Defendant to Set Bond Amount and Narrow Scope of Injunction re 36 Brief by MEDAVANTE, INC.. (MITCHELL, BRADLEY) (Entered: 12/22/2006)

12/22/2006 46 DECLARATION of Elliott J. Stein in response to request of Defendant to Set Bond Amount and Narrow Scope of Injunction re 36 Brief by MEDAVANTE, INC.. (Attachments: # 1 Exhibit A-F# 2 Exhibit G-L# 3 Exhibit M-S) (MITCHELL, BRADLEY) (Entered: 12/22/2006)

01/02/2007 47 BRIEF in Opposition re 41 First MOTION to Stay Entry of Preliminary Injunction Order, 40 First MOTION to Stay Entry of Preliminary Injunction filed by MEDAVANTE, INC.. (MITCHELL, BRADLEY) (Entered: 01/02/2007)

01/02/2007 48 BRIEF in Opposition re 43 First MOTION for Protective Order Restricting use and Dissemination of any records containing trade secrets or Confidential information filed by MEDAVANTE, INC.. (MITCHELL, BRADLEY) (Entered: 01/02/2007)

01/02/2007 49 CERTIFICATION in Opposition re 43 First MOTION for Protective Order Restricting use and Dissemination of any records containing trade secrets or Confidential information of Elliott J. Stein filed by MEDAVANTE, INC.. (MITCHELL, BRADLEY) (Entered: 01/02/2007)

01/02/2007 50 NOTICE by MEDAVANTE, INC. re 43 First MOTION for Protective Order Restricting use and Dissemination of any records containing trade secrets or Confidential information of Cross-Motion for Entry of Confidentiality Order (MITCHELL, BRADLEY) (Entered: 01/02/2007)

01/04/2007 -- CLERKS OFFICE QUALITY CONTROL MESSAGE - The 50 NOTICE OF MOTION filed by B. MITCHELL on 1/2/2007 was submitted incorrectly as a NOTICE. PLEASE RESUBMIT THE DOCUMENT BY 1/8/2007 USING MOTION. This submission will remain on the docket unless otherwise ordered by the court. This message is for informational purposes only.(ss,) (Entered: 01/04/2007)

01/08/2007 -- NOTICE of Hearing on Motion 43 First MOTION for Protective Order Restricting use and Dissemination of any records containing trade secrets or Confidential information: Motion Hearing set for 1/23/2007 03:00 PM in Trenton - Courtroom 6W before Magistrate Judge John J. Hughes. (dg,) (Entered: 01/08/2007)

01/08/2007 51 BRIEF Letter Brief in Response to Plaintiff's Reply to Defendant's Letter Brief for Preliminary Injunction Bond filed by PROXYMED, INC.. (KOBUS, THEODORE) (Entered: 01/08/2007)

01/08/2007 52 REPLY to Response to Motion re 41 First MOTION to Stay Entry of Preliminary Injunction Order filed by PROXYMED, INC.. (KOBUS, THEODORE) (Entered: 01/08/2007)

01/09/2007 -- NOTICE of Hearing on Motion 43 (First MOTION for Protective Order) adjourned from 1/23/07 to 1/26/2007 @2:00PM in Trenton - Courtroom 6W before Magistrate Judge John J. Hughes (to coincide w/Final Pretrial Conference). (dg,) (Entered: 01/09/2007)

01/10/2007 -- Oral argument set for 1/2/07 at 1pm before Judge Mary L. Cooper re: bond issue and 41 First MOTION to Stay Entry of Preliminary Injunction Order. (eh,) (Entered: 01/10/2007)

01/11/2007 -- CORRECTED ENTRY: Oral argument set for 1/12/07 at 1pm before Judge Mary L. Cooper re: bond issue and 41 First MOTION to Stay Entry of Preliminary Injunction Order. (eh) (Entered: 01/11/2007)

01/12/2007 53 ORDER denying 43 Motion for Protective Order Restricting use of certain records and denying pltf's. cross-motion for a Discovery Confidential Order Signed by Judge John J. Hughes on 1/12/2007. (ss,) (Entered: 01/12/2007)

01/12/2007 -- Minute Entry for proceedings held before Judge John J. Hughes : Discovery Hearing held on 1/12/2007. (dg,) (Entered: 01/30/2007)

01/15/2007 54 MOTION for Reconsideration of Order Denying Defendant's Motion for Protective Order by PROXYMED, INC.. (Attachments: # 1 Text of Proposed Order)(KOBUS, THEODORE) (Entered: 01/15/2007)

01/15/2007 55 BRIEF in Support re 54 MOTION for Reconsideration of Order Denying Defendant's Motion for Protective Order filed by PROXYMED, INC.. (Attachments: # 1 Certification)(KOBUS, THEODORE) (Entered: 01/15/2007)

01/15/2007 56 MOTION to Stay Order Denying Motion for Protective Order Pending Appeal by PROXYMED, INC.. (Attachments: # 1)(KOBUS, THEODORE) (Entered: 01/15/2007)

01/15/2007 57 BRIEF in Support re 56 MOTION to Stay Order Denying Motion for Protective Order Pending Appeal filed by PROXYMED, INC.. (KOBUS, THEODORE) (Entered: 01/15/2007)

01/15/2007 58 MOTION Appeal of Magistrate's Decision to District Judge by PROXYMED, INC.. (Attachments: # 1 Text of Proposed Order)(KOBUS, THEODORE) (Entered: 01/15/2007)

01/15/2007 59 BRIEF in Support re 58 MOTION Appeal of Magistrate's Decision to District Judge filed by PROXYMED, INC.. (Attachments: # 1 Certification)(KOBUS, THEODORE) (Entered: 01/15/2007)

01/16/2007 -- Set/Reset Deadlines as to 54 MOTION for Reconsideration of Order Denying Defendant's Motion for Protective Order. Motion Hearing set for 2/20/2007 before Judge Mary L. Cooper. (PLEASE NOTE THAT PURSUANT TO FED. R. CIV. P. 78 AND LOCAL RULE 7.1 (B)(4), NO ORAL ARGUMENT WILL BE HELD IN THIS MATTER AND PARTIES SHOULD NOT APPEAR UNLESS SPECIFICALLY DIRECTED TO DO SO BY THE COURT) (ss,) (Entered: 01/16/2007)

01/16/2007 -- Set/Reset Deadlines as to 56 MOTION to Stay Order Denying Motion for Protective Order Pending Appeal. Motion Hearing set for 2/20/2006 before Judge Mary L. Cooper.(PLEASE NOTE THAT PURSUANT TO FED. R. CIV. P. 78 AND LOCAL RULE 7.1 (B)(4), NO ORAL ARGUMENT WILL BE HELD IN THIS MATTER AND PARTIES SHOULD NOT APPEAR UNLESS SPECIFICALLY DIRECTED TO DO SO BY THE COURT) (ss,) (Entered: 01/16/2007)

01/17/2007 60 SCHEDULING ORDER: Setting discovery deadlines. Signed by Judge John J. Hughes on 1/16/07. (ij,) (Entered: 01/17/2007)

01/18/2007 -- NOTICE TO COUNSEL: The Settlement Conference of 1/19/07 is adjourned pending further notice. (dg,) (Entered: 01/18/2007)

01/18/2007 -- NOTICE of Hearing: The Settlement Conference of 1/19/07 is adjourned to 1/26/2007 02:00 PM in Trenton - Courtroom 6W before Magistrate Judge John J. Hughes. (dg,) (Entered: 01/18/2007)

01/22/2007 -- NOTICE of Hearing: Final Pretrial Conference set for 3/30/2007 10:00 AM in Trenton - Courtroom 6W before Magistrate Judge John J. Hughes. Settlement Conference set for 2/2/2007 10:30 AM in Trenton - Courtroom 6W before Magistrate Judge John J. Hughes. (dg,) (Entered: 01/22/2007)

02/02/2007 -- Minute Entry for proceedings held before Judge John J. Hughes : Settlement Conference held on 2/2/2007. (dg,) (Entered: 02/23/2007)

02/05/2007 -- NOTICE of Hearing: Settlement Conference set for 2/13/2007 12:00 PM in Trenton - Courtroom 6W before Magistrate Judge John J. Hughes. (dg,) (Entered: 02/05/2007)

02/06/2007 61 BRIEF in Opposition re 58 MOTION Appeal of Magistrate's Decision to District Judge, 56 MOTION to Stay Order Denying Motion for Protective Order Pending Appeal, 54 MOTION for Reconsideration of Order Denying Defendant's Motion for Protective Order filed by MEDAVANTE, INC.. (MITCHELL, BRADLEY) (Entered: 02/06/2007)

02/06/2007 62 SETTLEMENT CONFERENCE SCHEDULING ORDER: Settlement Conference set for 2/13/2007 12:00 PM before Magistrate Judge John J. Hughes Signed by Judge John J. Hughes on 2/6/2007. (ss,) (Entered: 02/06/2007)

02/13/2007 -- Minute Entry for proceedings held before Judge John J. Hughes : Settlement Conference held on 2/13/2007. (dg,) (Entered: 02/28/2007)

02/16/2007 63 MEMORANDUM OPINION Signed by Judge Mary L. Cooper on 2/16/2007. (ss,) (Entered: 02/16/2007)

02/16/2007 64 ORDER denying 40 Motion to Stay, denying 41 Motion to Stay, denying 54 Motion for Reconsideration, denying 56 Motion to Stay, dismissing 58 Motion Appeal of Order of Magistrate Judge and dismissing complaint Signed by Judge Mary L. Cooper on 2/16/2007. (ss,) (Entered: 02/16/2007)

02/16/2007 -- ***Civil Case Terminated. (ss,) (Entered: 02/16/2007)

02/27/2007 -- TRANSCRIPT of Proceedings held on 2/13/2007 before Judge Hughes. Court Reporter: GLYNN. PLEASE NOTE: The complete transcript of these proceedings is maintained in paper format on file in the Clerks Office. To request copies of this transcript, contact the Official Court Reporter or Transcription Service who prepared the transcript. (ss,) (Entered: 02/27/2007)

03/28/2007 -- Minute Entry for proceedings held before Judge John J. Hughes : Discovery Hearing held on 3/28/2007. (dg,) (Entered: 03/30/2007)

04/17/2007 65 MOTION to Reopen Case or to Enforce Settlement by MEDAVANTE, INC.. (Attachments: # 1 Text of Proposed Order)(MITCHELL, BRADLEY) (Entered: 04/17/2007)

04/17/2007 66 CERTIFICATION in Support re 65 MOTION to Reopen Case or to Enforce Settlement by Bradley L. Mitchell with exhibits filed by MEDAVANTE, INC.. (MITCHELL, BRADLEY) (Entered: 04/17/2007)

04/18/2007 -- CLERKS QUALITY CONTROL MESSAGE: On 4/17/2007 B. MITCHELL Filed a motion to Reopen Case or Enforce Settlement. Counsel is advised when filing a Motion with more than one relief requested in the Motion, they may properly select 1 or more relief event codes for that Motion, i.e. one to Dismiss and one for Summary Judgment. The importance of this is that the Court could grant one relief, deny the other, and or reserve decision. This message is for informational purposes only. (ss,) Modified on 4/18/2007 (ss,). (Entered: 04/18/2007)

04/18/2007 -- Set/Reset Deadlines as to 65 MOTION to Reopen Case or to Enforce Settlement. Motion Hearing set for 5/21/2007 before Judge Mary L. Cooper. (PLEASE NOTE THAT PURSUANT TO FED. R. CIV. P. 78 AND LOCAL

RULE 7.1 (B)(4), NO ORAL ARGUMENT WILL BE HELD IN THIS MATTER AND PARTIES SHOULD NOT APPEAR UNLESS SPECIFICALLY DIRECTED TO DO SO BY THE COURT) (ss,) (Entered: 04/18/2007)

04/27/2007 67 MOTION to Seal Document [66] Certification in Support of Motion by MEDAVANTE, INC.. (Attachments: # 1 Text of Proposed Order)(MITCHELL, BRADLEY) (Entered: 04/27/2007)

04/27/2007 68 CERTIFICATION in Support re 67 MOTION to Seal Document [66] Certification in Support of Motion filed by MEDAVANTE, INC.. (MITCHELL, BRADLEY) (Entered: 04/27/2007)

04/27/2007 -- Set/Reset Deadlines as to 67 MOTION to Seal Document [66] Certification in Support of Motion. Motion Hearing set for 5/21/2007 before Judge Mary L. Cooper. (PLEASE NOTE THAT PURSUANT TO FED. R. CIV. P. 78 AND LOCAL RULE 7.1 (B)(4), NO ORAL ARGUMENT WILL BE HELD IN THIS MATTER AND PARTIES SHOULD NOT APPEAR UNLESS SPECIFICALLY DIRECTED TO DO SO BY THE COURT) (ss,) (Entered: 04/27/2007)

05/01/2007 69 BRIEF in Opposition re 65 MOTION to Reopen Case or to Enforce Settlement and Cross Motion to Enforce Settlement filed by PROXYMED, INC.. (KOBUS, THEODORE) (Entered: 05/01/2007)

05/01/2007 70 MOTION to Seal letter brief in response to plaintiff's motion to enforce settlement and ProxyMed's cross motion to enforce settlement by PROXYMED, INC.. (SHANNON, DAVID) (Entered: 05/01/2007)

05/01/2007 -- Set/Reset Deadlines as to 67 DEFICIENT MOTION (NO BRIEF OR STATEMENT THEREOF) to Seal Document [66] Certification in Support of Motion. Motion Hearing set for 5/21/2007 before Judge Mary L. Cooper. (PLEASE NOTE THAT PURSUANT TO FED. R. CIV. P. 78 AND LOCAL RULE 7.1 (B)(4), NO ORAL ARGUMENT WILL BE HELD IN THIS MATTER AND PARTIES SHOULD NOT APPEAR UNLESS SPECIFICALLY DIRECTED TO DO SO BY THE COURT) (ss,) (Entered: 05/01/2007)

05/02/2007 -- NOTICE of Hearing:The Court has scheduled an In-Person Settlement Conference WITH CLIENTS for 6/1/2007 @2:30pm in Trenton - Courtroom 6W before Magistrate Judge John J. Hughes. (dg,) (Entered: 05/02/2007)

05/14/2007 71 REPLY to Response to Motion re 65 MOTION to Reopen Case or to Enforce Settlement filed by MEDAVANTE, INC.. (MITCHELL, BRADLEY) (Entered: 05/14/2007)

05/14/2007 72 CERTIFICATION in Support re 65 MOTION to Reopen Case or to Enforce Settlement of Elliott J. Stein filed by MEDAVANTE, INC.. (MITCHELL, BRADLEY) (Entered: 05/14/2007)

05/21/2007 73 ORDER granting 67 Motion to Seal Document [66] Certification in Support of Motion Signed by Judge John J. Hughes on 5/21/2007. (ss,) (Entered: 05/21/2007)

06/04/2007 -- Minute Entry for proceedings held before Judge John J. Hughes : Settlement Conference held on 6/4/2007. (dg,) (Entered: 06/15/2007)

06/05/2007 74 ORDER granting 70 Motion to Seal Letter Brief in Response to Motion Signed by Judge John J. Hughes on 6/4/2007. (ss,) (Entered: 06/05/2007)

06/06/2007 -- NOTICE of Hearing:Evidentiary Hearing set for 6/12/2007 03:00 PM in Trenton - Courtroom 6W before Magistrate Judge John J. Hughes. (dg,) (Entered: 06/06/2007)

06/07/2007 75 MOTION for Leave to Appear Pro Hac Vice by PROXYMED, INC.. (Attachments: # 1 Text of Proposed Order # 2 Certification of Peter E. Fleming, Esquire# 3 Certification of Theodore J. Kobus III, Esquire# 4 Certificate of Service)(SHANNON, DAVID) (Entered: 06/07/2007)

06/07/2007 76 BRIEF in Support re 75 MOTION for Leave to Appear Pro Hac Vice filed by PROXYMED, INC.. (Attachments: # 1 Certificate of Service)(SHANNON, DAVID) (Entered: 06/07/2007)

06/08/2007 77 ORDER that John Lettko will appear for an Evidentiary Hrg. 6/12/07 at 3:00 pm. Signed by Judge John J. Hughes on 6/6/07. (lk) (Entered: 06/11/2007)

06/11/2007 -- CLERK'S QUALITY CONTROL MESSAGE: This pertains to attachment #3 to Document 75 MOTION to admit PETER E. FLEMING, ESQ. pro hac vice filed on 6/7/07 by DAVID SHANNON, ESQ. for defendant, PROXYMED, INC. This attachment, Certification of Theodore J. Kobus III, Esquire, has not been properly signed. Only the e-filer may s/ a document, MR. KOBUS needs to actually sign his Certification. PLEASE ELECTRONICALLY RESUBMIT A SIGNED CERTIFICATION BY MR. KORBUS BY JUNE 15, 2007. (ms) (Entered: 06/11/2007)

06/11/2007 -- Set Deadlines as to 75 MOTION for Leave to Appear Pro Hac Vice. Motion set for 7/2/2007 before Magistrate Judge Tonianne J. Bongiovanni. (PLEASE NOTE THAT PURSUANT TO FED. R. CIV. P. 78 AND LOCAL RULE 7.1 (B)(4), NO ORAL ARGUMENT WILL BE HELD IN THIS MATTER AND PARTIES SHOULD NOT APPEAR UNLESS SPECIFICALLY DIRECTED TO DO SO BY THE COURT.) (ms) (Entered: 06/11/2007)

06/11/2007 78 Certification of Theodore J. Kobus on behalf of PROXYMED, INC. Re 75 Motion for Leave to Appear,. (SHANNON, DAVID) (Entered: 06/11/2007)

06/12/2007 79 ORDER granting 75 Motion for Leave of PETER E. FLEMING, ESQ. to Appear Pro Hac Vice Signed by Judge John J. Hughes on 6/12/2007. (ss,) (Entered: 06/12/2007)

06/12/2007 -- Minute Entry for proceedings held before Judge John J. Hughes : Evidentiary Hearing held on 6/12/2007, Forfeiture Hearing held on 6/12/2007. (Court Reporter FTR / Glynn.) (dg,) (Entered: 06/18/2007)

06/14/2007 80 REPORT AND RECOMMENDATIONS re 65 MOTION to Reopen Case or to Enforce Settlement. Signed by Judge John J. Hughes on 6/13/07. (Attachments: # 1 Certified mail receipt)(ck) (Entered: 06/14/2007)

06/18/2007 81 TRANSCRIPT of Proceedings held on 6/12/2007 before Judge Hughes. Court Reporter: Glynn. PLEASE NOTE: The complete transcript of these proceedings is maintained in paper format on file in the Clerks Office. To request copies of this transcript, contact the Official Court Reporter or Transcription Service who prepared the transcript. (ss,) (Entered: 06/18/2007)

06/18/2007 82 ACKNOWLEDGEMENT OF SERVICE of Report and Recommendation Executed on 6/15/2007 (ss,) (Entered: 06/18/2007)

06/19/2007)

06/23/2007 83 Letter from Bradley L. Mitchell on behalf of Plaintiff MedAvante, Inc. requesting correction and confirmation of Report and Recommendation of Magistrate Judge Hughes re 80 REPORT AND RECOMMENDATIONS re 65 MOTION to Reopen Case or to Enforce Settlement filed by MEDAVANTE, INC.. (MITCHELL, BRADLEY) (Entered: 06/23/2007)

06/25/2007 84 ACKNOWLEDGEMENT OF SERVICE of Report & Recommendation Executed on 6/18/07 (ck,) (Entered: 06/25/2007)

06/25/2007 85 APPEAL OF MAGISTRATE JUDGE DECISION to District Court by PROXYMED, INC. (Attachments: # 1 Exhibit Exhibit "A"# 2 Exhibit Exhibit "B")(KOBUS, THEODORE) (Entered: 06/25/2007)

06/26/2007 -- Set Deadlines as to 85 APPEAL OF MAGISTRATE JUDGE DECISION to District Court by PROXYMED, INC.. Motion Hearing set for 9/4/2007 before Judge Mary L. Cooper. (PLEASE NOTE THAT PURSUANT TO FED. R. CIV. P. 78 AND LOCAL RULE 7.1(B)(4), NO ORAL ARGUMENT WILL BE HELD IN THIS MATTER AND PARTIES SHOULD NOT APPEAR UNLESS SPECIFICALLY DIRECTED TO DO SO BY THE COURT.)(lk) (Entered: 06/26/2007)

06/28/2007 86 Letter from Plaintiff MedAvante, Inc. with request to revise hearing schedule re 85 APPEAL OF MAGISTRATE JUDGE DECISION to District Court by PROXYMED, INC.. (MITCHELL, BRADLEY) (Entered: 06/28/2007)

06/28/2007 87 APPEAL OF MAGISTRATE JUDGE DECISION to District Court by PROXYMED, INC. re 86 Letter (KOBUS, THEODORE) (Entered: 06/28/2007)

06/29/2007 -- Set/Reset Deadlines as to 87 APPEAL OF MAGISTRATE JUDGE DECISION to District Court by PROXYMED, INC. re 86 Letter. Motion Hearing set for 9/4/2007 before Judge Mary L. Cooper.(PLEASE NOTE THAT PURSUANT TO FED. R. CIV. P. 78 AND LOCAL RULE 7.1 (B)(4), NO ORAL ARGUMENT WILL BE HELD IN THIS MATTER AND PARTIES SHOULD NOT APPEAR UNLESS SPECIFICALLY DIRECTED TO DO SO BY THE COURT) (ss,) (Entered: 06/29/2007)

07/10/2007 88 RESPONSE in Opposition re 85 APPEAL OF MAGISTRATE JUDGE DECISION to District Court by PROXYMED, INC. filed by MEDAVANTE, INC.. (MITCHELL, BRADLEY) (Entered: 07/10/2007)

07/24/2007 -- ORAL ARGUMENT set for 8/3/2007 10:00 AM before Judge Mary L. Cooper appeal of magistrate jurisdiction, etc. (eh,) (Entered: 07/24/2007)

08/01/2007 89 MOTION for Leave to Appear Pro Hac Vice by PROXYMED, INC.. (KOBUS, THEODORE) (Entered: 08/01/2007)

08/01/2007 -- CLERKS OFFICE QUALITY CONTROL MESSAGE - The 89 PROPOSED ORDER filed by T. KOBUS on 8/1/2007 was submitted incorrectly as a MOTION to APPEAR PRO HAC VICE. THE PROPOSED ORDER MUST BE EXECUTED BY A JUDICIAL OFFICER BEFORE FILING. PLEASE FORWARD TO APPROPRIATE JUDICIAL OFFICER IN ACCORDANCE WITH HIS/HER PREFERRED PRACTICE. This message is for informational purposes only. (ss,) (Entered: 08/01/2007)

08/02/2007 90 MOTION for Leave to Appear Pro Hac Vice by PROXYMED, INC.. (Attachments: # 1 Text of Proposed Order Proposed Order# 2 Certificate of Service Certificate of Service)(KOBUS, THEODORE) (Entered: 08/02/2007)

08/02/2007 91 ORDER granting JAMES GICKING, ESQ. permission to appear pro hac vice on behalf of dft. Signed by Judge John J. Hughes on 8/1/2007. (ss,) (Entered: 08/02/2007)

08/02/2007 -- Set/Reset Deadlines as to 90 MOTION for Leave to Appear Pro Hac Vice. Motion Hearing set for 9/4/2007 before Magistrate Judge John J. Hughes. (PLEASE NOTE THAT PURSUANT TO FED. R. CIV. P. 78 AND LOCAL RULE 7.1 (B)(4), NO ORAL ARGUMENT WILL BE HELD IN THIS MATTER AND PARTIES SHOULD NOT APPEAR UNLESS SPECIFICALLY DIRECTED TO DO SO BY THE COURT) (ss,) (Entered: 08/02/2007)

08/03/2007 93 Minute Entry for proceedings held before Judge Mary L. Cooper: Telephone Conference held on 8/3/2007. (ESR: PHILLIPPI.) (eh,) (Entered: 08/31/2007)

08/06/2007 92 ORDER dismissing as moot 90 Motion for Leave to Appear Pro Hac Vice. Signed by Judge John J. Hughes on 8/6/07. (ck,) (Entered: 08/06/2007)

08/16/2007 94 Minute Entry for proceedings held before Judge Mary L. Cooper : Telephone Conference held on 8/16/2007. (ESR: PHILLIPPI.) (eh,) (Entered: 09/05/2007)

09/13/2007 95 NOTICE TO PARTIES. Signed by Judge Mary L. Cooper on 9/13/07. (eh,) (Entered: 09/13/2007)

10/30/2007 -- Evidentiary Hearing set for 11/13/2007 10:00 AM in Trenton - Courtroom 5W before Judge Mary L. Cooper. (Set via telephone w/counsel for pltf.) (eh,) (Entered: 10/30/2007)

11/16/2007 -- Evidentiary Hearing re-set for 11/26/2007 10:00 AM before Judge Mary L. Cooper. (eh,) (Entered: 11/16/2007)

11/20/2007 96 Letter from Defendant Proxymed requesting Protective Order re Set/Reset Hearings. (KOBUS, THEODORE) (Entered: 11/20/2007)

11/26/2007 97 Minute Entry for proceedings held before Judge Mary L. Cooper: Evidentiary Hearing held on 11/26/2007. (ESR: PHILLIPPI.) (eh,) (Entered: 12/03/2007)